

**TOWN COUNCIL
REGULAR MEETING
OCTOBER 7, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Tom Truex, 4740 SW 72 Avenue, discussed his concerns with the parks and recreation bond.

Susan Decker, 14140 SW 22 Place, spoke in opposition to the parks and recreation bond.

Stuart Lieberman, 2801 East Orchard Circle, spoke in opposition to the parks and recreation bond.

Dan Barr, 11550 SW 37 Court, spoke in opposition to the parks and recreation bond. He also discussed the fee for water.

Dean Alexander, 13820 SW 16 Street, spoke in favor of the parks and recreation bond.

Jay Stahl, 5801 Surrey Circle West, spoke in opposition to the parks and recreation bond.

Al Dougherty, 13851 Appalachian Trail, spoke in opposition to the parks and recreation bond.

Bruce McGee, 14181 SW 15 Court, spoke in opposition to the parks and recreation bond.

Patti Reid, 9625 Sycamore Court, spoke in favor of the parks and recreation bond.

Arthur Joseph, 13700 SW 18 Court, thanked Mayor Venis and Councilmember Paul for their concern for his family when his wife's mother passed away. He spoke in opposition to the parks and recreation bond.

Hilda Testa, 6741 NW 27 Street, questioned where the individuals who spoke in opposition to the parks and recreation bond were when the Town held meetings to discuss the bond. She discussed the local turnout site for horses during the hurricane and thanked those individuals who were involved.

Ellen Christopher, 3666 West Valley Green Drive, discussed the tabling of an ordinance relating to special residential facilities. Mr. Rawls indicated that he knew staff was working on this matter. Director of Development Services Michele Mellgren explained that issues were discussed at the workshop which raised questions concerning the Federal Fair Housing laws and added that the issues were being researched by special counsel. Mr. Webber indicated that the issue would need to be re-noticed.

David London, 3720 SW 61 Avenue, discussed the Charter School and library issues.

Mary Bacon, American Heart Association, spoke in favor of the parks and recreation bond.

Vito Zinarco, 2730 SW 86 Way, spoke in favor of the parks and recreation bond.

Sharon Lehmann, 2751 SW 86 Way, spoke in favor of the parks and recreation bond.

Michael Davenport, 14041 SW 22 Place, discussed Council attending different community meetings in support of Town issues.

Bruce Novak, 4262 SW 70 Drive, suggested that the Town's bills be submitted to an unknown person for payment which would be "a little bit on the honest side, take the people off the line of being the cookie jar." He questioned the funds for the renovation of Potter Park.

4. PRESENTATIONS

4.1 Davie Raiders Baseball Team

Mayor Venis announced that the Team was champions of the All Star Travel League, All Star Tournament, Colt League Tournament, and the Tournament of the Americas. He stated that the assistant coaches were Ed Dunkman and Louise Palmisano and the head coach was John Stutz. Mayor Venis provided a plaque to the players who were present: Ricky Anderson, Jon Aughey, Jimmy Bacon, Christopher Esper, Mike Gulla, Peter Kelly, Colton Lehmann, Paul McKenica, Christopher Nielson, Scott Wolf, and Joe Zinerco. Plaques would be provided to those who were unable to be present: Jay Lawrence, Don Lawson, Matt McCarthy, Louise Palmisano, Evan Swaysland, and Matt Velez.

4.2 Fire Prevention Week

Fire Chief Donati advised that this week was Fire Prevention Week and the Town's Fire Department was involved in spreading the message on fire prevention. He introduced Joanne Jakin, Clerk Typist II, who worked hard on the program.

Ms. Jakin presented Council with a "Squirty the Fire Truck" coloring book and thanked the Fire Department employees who helped with the book. She also thanked the businesses who helped with the book.

Ms. Jakin advised that the theme of the Second Annual Mini-Poster Contest was Fire Drills and Great Escapes and indicated that each school who participated in the contest received a trophy. She added that each child would receive a certificate and fire related prizes.

4.3 Parks and Recreation Referendum

Lisa Edmondson, Parks and Recreation Advisory Board, discussed the November 3rd bond referendum.

4.4 Broward Cultural Affairs Council, Community Arts & Education Program

Bette Stark introduced Esther Schrago, Executive Director of the Young At Art Museum. Ms. Stark advised that the Town had applied for, and received, a \$15,000 grant and presented Mayor Venis with the check.

4.5 Davie/Cooper City Chamber of Commerce

An unidentified man advised of the events that the Chamber was planning.

4.6 Fire/Rescue Operations Update

Fire Chief Michael Donati EMS Coordinator Jose Rivero who advised that the Town had assumed the responsibility of EMS services for Station 68 on October 1, 1998. He indicated that as of October 5th, the Town had run 35 responses, 9 were advanced life support, 17 were basic life support and the remaining 9 were miscellaneous.

4.7 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: in-house soccer registration program (ages 4 1/2 to 14 years old); softball clinics; Chinese language class (every Sunday at Ivanhoe); tennis lessons at Shenandoah Park; teen night (every Friday at Orange Park and Eastside Community Hall); and YMCA afterschool program.

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Gold Coast Dog UKC Dog Obedience and Confirmation Show (October 17th - 18th); Concert in the Park (October 18th); Mock Council Meeting (October 21st); 5 Star Rodeo (October 24th - 25th); Grand Prix Equestrian Jump Show (October 31st); and Safe Halloween Trick or Treat Day (October 25th).

Lieutenant Gary Killam thanked Council for their attendance at the Police Athletic League's grand opening. He announced that the League would be holding its Annual Spaghetti Dinner on October 21st and presented a chef's apron to Police Chief Jack Mackie. Chief Mackie distributed flyers regarding the dinner.

Mayor Venis advised that the Shoot Competition with New Zealand had to be rescheduled to October 17th because of Hurricane Georges; however, New Zealand had proceeded with their shoot. He advised that New Zealand's representative Ian Gill had presented the Town with a jade clock for the Council office and a jade paperweight for each Councilmember. Ms. Stafiej explained the procedure being used for the Shoot Competition.

5. OCCUPATIONAL LICENSES

Home Occupational Licenses

5.1 Andrew's Backhoe Service, 14301 SW 17 Street

Andrew Zero, the applicant, was present. He confirmed that the request was for mail and phone use only and added that no equipment was stored on the property.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

5.2 Emeline Designs, 2651 SW 130 Terrace

The applicant was not present.

5.3 Honeycreek Kennels, Inc., 14120 SW 24 Street

Sharon Cornelius, the applicant, was present. She confirmed that the request was for mail and phone use only and indicated that she would not be breeding dogs. Michele Mellgren, Director of Development Services, advised that it had been represented that the license was for tax purposes.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

5.4 Paul Cacciatore, 1621 SW 117 Avenue

Paul Cacciatore, the applicant, was present. He confirmed that the request was for mail and phone use only.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Carnival - Waiver of Occupational License Fee

5.5 Saint Bonaventure Church, 1301 SW 136 Avenue (November 12 - 15, 1998)

Mayor Venis, representing the applicant, was present.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve to waive the occupational license fee. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 8.32, 10.2, 10.11, and 10.12 needed to be tabled to October 21, 1998.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 4-1)

Mayor Venis announced that items 10.13 and 12.1 needed to be tabled to February 17, 1999.

Vice-Mayor Cox, made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 10.14 needed to be tabled to October 21, 1998.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

6. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

SCHOOLS. Councilmember Weiner stated that in recent weeks, Council had discussed the issue of Charter Schools. He welcomed the Winston Academy into the Town's education community.

MINUTES. Councilmember Weiner advised that Council had not approved the August 5, 1998 Council minutes; however, all other Council minutes had been approved. Town Clerk Reinfeld responded that she would look into the status of the minutes.

EMS SERVICES. Councilmember Weiner thanked Council for agreeing with the Town's residents on the provision of EMS services.

WATER. Councilmember Weiner stated that the Sun Sentinel had printed an article regarding the different water rates in Broward County with the Town ranking second highest. He indicated that he was tired of hearing that the Town would be litigating the water issue with the City of Sunrise. Councilmember Weiner advised that the Town needed to look at creative ways in approaching the water issue.

COUNCIL. Councilmember Weiner stated that he had noted that staff and Council went out after Council meetings and asked that Council reconsider this practice. He indicated that although there was nothing improper with this practice, it appeared to be improper to some people "outside." Councilmember Weiner stated that recently, Council had reconsidered its decision on the billboard issue and he did not want someone questioning if this issue was discussed at dinner.

VICE-MAYOR COX

COUNCIL. Vice-Mayor Cox advised that she did not discuss issues related to Council outside the Council Chambers.

TOP FEMALE SCHOLAR. Vice-Mayor Cox congratulated Judith Ling for being the top female scholar in the nation and who was a product of Nova High School.

WELCOME. Vice-Mayor Cox welcomed the Winston Academy to the Town.

CONGRATULATIONS. Vice-Mayor Cox congratulated Mort Meyers on his recognition as Humanitarian of the Year by the Jewish Community Center. She also congratulated Michael Davenport on the hurricane preparation for large animals.

EASE LUNCHEON. Vice-Mayor Cox invited everyone to the EASE Foundation Luncheon on October 8th and encouraged everyone to attend.

BOND. Vice-Mayor Cox stated that she hoped that the individuals who spoke against the bond referendum would review the list prepared by the Community Services Department and the community. She discussed comments that some individuals made.

COUNCILMEMBER PAUL

BILLBOARD. Councilmember Paul stated that Vice-Mayor Cox discussed the movable billboard at the Council meeting of September 16th. She indicated that the movable billboard had been removed, however, it had been reinstalled with more advertisements. Mr. Webber advised that he had sent a letter to the billboard company advising that the sign had to be removed with Ms. Mellgren indicating that staff was moving forward with Code enforcement action.

EMS SERVICES. Councilmember Paul stated that she was excited that the Town's Fire Department assumed the provision of EMS services at Station 68 on October 1st. She asked for a report on the billing company for EMS transports. Christopher Wallace, Director of Budget and Finance, advised that staff would be utilizing the same provider that many other cities used. He indicated that a contract would be brought to Council for approval at the October 21st meeting.

BOND. Councilmember Paul congratulated the Parks and Recreation Board and the Political Action Committee on their efforts for the bond referendum. She said that the most important thing was to make an educated vote.

TRAFFIC. Councilmember Paul stated that she had met with the principal of the school on Nob Hill Road regarding the traffic congestion and advised that approval had been received for a traffic light at this location. She indicated that the light should be installed in approximately four weeks.

PANCAKE BREAKFAST. Councilmember Paul reminded everyone of the Fraternal Order of Police Associates Pancake Breakfast on October 11th.

LANE ADDITIONS. Councilmember Paul stated that when an area was developed and a turn lane had to be added, "they do just that portion of the road." She stated that there were serious ruts and erosion problems at these added turn lanes and questioned if the Code needed to be changed to include that the entire street had to be resurfaced. Mr. Rawls stated that a change to the policy had been made so that when a developer made certain roadway improvements, the Town was requiring that the full area of the construction site be overlaid.

COUNCILMEMBER BUSH

COUNCIL. Councilmember Bush questioned Mr. Webber if there was any reason why Council could not discuss issues outside meetings after Council had voted on the issue. Mr. Webber responded that the issue should not be discussed if it was regarding Town business that could return to Council. He stated that the nature of the Sunshine Law was that Council was not authorized to discuss matters which it could anticipate coming before Council.

MAYOR VENIS

EMS SERVICES. Mayor Venis congratulated the Town's Fire Department for assuming EMS services at Station 68.

WATER. Mayor Venis asked that the resolution regarding water in areas with wells be discussed at the October 21st Council meeting.

PINE ISLAND BAY COMMUNITY DAY. Mayor Venis announced that he attended the areas first Community Day and indicated that monies had been raised to landscape certain areas along the canal. He added that the residents had obtained a \$5,000 beautification grant from Broward County.

REXMERE VILLAGE. Mayor Venis stated that he, Vice-Mayor Cox and Councilmember Paul had attended a celebration at Rexmere Village.

CONGRATULATIONS. Mayor Venis congratulated Mr. Rawls and his wife, Fern, for their daughter scoring extremely high in the LSAT's.

ORANGE PARK. Mayor Venis stated that he had attended the Orange Park Homeowners Association meeting and thanked the Police Department and Ms. Pierce-Kent for attending.

SPEED HUMPS. Mayor Venis stated that he and Mr. Rawls had met with the Honey Lake Homeowner's Association president regarding speed humps.

PARK CITY WEST. Mayor Venis stated that he and Mr. Rawls would be attending the Park City West homeowners meeting on October 14th.

PLANNING AND ZONING BOARD. Jay Stahl, 5801 Surrey Circle West, stated that the Board worked hard and spent a lot of time on certain issues with certain decisions being made. He indicated that when the Board's decisions were overridden by the Planning and Zoning Division and when the applicant submitted revisions, the revisions should have to be returned to the Board before being heard by Council.

Mr. Stahl stated that "petty" variances were handled administratively by staff without being seen by either the Board or Council. He advised that some cities allowed their Planning and Zoning Board to make the final decision on zoning issues unless the Board denied an application; at this point, the application would come before Council. Mr. Stahl asked that Council consider this recommendation.

7. TOWN ADMINISTRATOR'S COMMENTS

HURRICANE GEORGES. Mr. Rawls congratulated the Town's staff on their efforts in preparing for Hurricane Georges.

ACCOMPLISHMENTS. Mr. Rawls stated that he was proud of his daughter's accomplishments.

8. CONSENT AGENDA

Minutes

8.1 August 12, 1998 - Workshop Meeting

8.2 September 16, 1998 - Regular Meeting

Proclamations

8.3 The Winston Academy Dedication Day (October 3, 1998)

8.4 National School Lunch Week (October 12 - 18, 1998)

8.5 National Breast Cancer Awareness Month (October) and National Mammography Day (October 16, 1998)

Resolutions

8.6 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-301 AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH HART MOVES FOR AEROBIC CLASSES.** (aqua aerobics; instructor to be compensated 60% of class fee, not to exceed \$20,000) (tabled from September 16, 1998)

8.7 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-302 AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH HART MOVES FOR AEROBIC CLASSES.** (instructor to be compensated 75% of class fee, not to exceed \$20,000)

8.8 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-303 AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH**

TUMBLELAND GYMNASTICS FOR GYMNASTIC CLASSES. (instructor to be compensated 75% of class fee, not to exceed \$20,000)

8.9 POOL RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-304 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RENTAL AGREEMENT WITH PEAK PERFORMANCE SWIM CAMP FROM DECEMBER 26, 1998, TO JANUARY 8, 1999, FROM 6:00 AM TO 12 NOON AND FROM 2:00 PM TO 8:00 PM, AT THE PINE ISLAND COMMUNITY CENTER POOL. (\$12,600)

8.10 GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-305 FLORIDA, AUTHORIZING THE APPLICATION FOR A GRANT FROM THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR THE DEVELOPMENT OF PINE ISLAND PARK. (\$200,000 grant - \$100,000 from the State of Florida and a \$100,000 Town match)

8.11 GRANT AWARD - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-306 ACCEPTING THE COPS UNIVERSAL HIRING SUPPLEMENTAL GRANT, AWARDED BY THE U. S. DEPARTMENT OF JUSTICE FOR THE HIRING OF SIX ADDITIONAL COMMUNITY ORIENTED POLICING OFFICERS. (\$450,000 grant - \$75,000 Town match and \$37,500 provided by Broward Community College)

8.12 GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-307 FLORIDA, AUTHORIZING THE APPLICATION FOR WASTE TIRE GRANT FUNDS FROM BROWARD COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE.

8.13 MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-308 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 97-422 FROM \$3,250 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE.

8.14 SHENANDOAH PARK - A RESOLUTION OF THE TOWN OF DAVIE, R-98-309 FLORIDA, PRESERVING AND IMPOSING USE LIMITATIONS ON THE OUTDOOR RECREATIONAL FACILITIES AT SHENANDOAH PARK AND PROVIDING AN EFFECTIVE DATE.

8.15 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-310 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS, OF DAVIE FLORIDA. (\$3,120; October 7, 1998 to October 6, 1999)

8.16 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-311 AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH THE GOLD COAST DOG CLUB INC., FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO PRESENT DOG HANDLING CLASSES. (\$3,120; October 7, 1998 to October 6 , 1999)

8.17 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-312 THE BIDS FOR TEMPORARY SERVICES-WHITE COLLAR WORKERS. (Tri-State Employment as the primary vendor and Atrium Personnel as the secondary vendor)

8.18 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-313 THE BIDS FOR TEMPORARY SERVICES-BLUE COLLAR WORKERS. (Tri-State Employment as the primary vendor and Western Staffing Services as the secondary vendor)

8.19 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-314 THE BID FOR PRINTING OF THE DAVIE UPDATE. (Gannett Offset Florida)

8.20 SUPPORT TO NOT-FOR-PROFIT AGENCIES - A RESOLUTION OF THE R-98-315 TOWN OF DAVIE, FLORIDA, SUPPORTING VARIOUS NOT-FOR-PROFIT AGENCIES WHICH PROVIDE SERVICES FOR THE RESIDENTS IN OUR COMMUNITY. (\$99,860)

8.21 CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-316 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT EXTENSION WITH MOTOROLA, INC. FOR MAINTENANCE OF PUBLIC SAFETY RADIOS. (\$447.15 monthly fee)

8.22 LOT CONVEYANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-317 RESCINDING RESOLUTION R-98-232 AND RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S CONVEYANCE OF A LOT TO ARNETTA DAVIS FOR CONSTRUCTION OF A NEW HOUSE IN THE EASTSIDE NEIGHBORHOOD; AND PROVIDING FOR AN EFFECTIVE DATE (5540 SW 43 Street)

8.23 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-318 AUTHORIZING A REVISION TO THE WESTPORT BUSINESS PARK PARCELS A&B PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 9-1-98, 6427 Nova Drive)

8.24 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-319 AUTHORIZING A REVISION TO THE LADY ELIZABETH PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 9-2-98, northeast corner of Davie Road and SW 30 Street)

8.25 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-320 AUTHORIZING A REVISION TO THE NOVA PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 9-3-98, east side of Davie Road and Nova Drive)

8.26 TELEPHONE AND COMPUTER WIRING INSTALLATION - A RESOLUTION R-98-321 OF THE TOWN OF DAVIE, FLORIDA, FOR INSTALLING TELEPHONE AND COMPUTER WIRING AT THE NEW PUBLIC SAFETY BUILDINGS, PIGGYBACKING ON THE EXISTING BROWARD COUNTY SCHOOL BOARD CONTRACT #86-027A, AND AT THE SAME UNIT COST RATES. (BellSouth Communications Systems, Inc.; not to exceed \$40,000)

8.27 ACCREDITATION PROCESS FEES - A RESOLUTION OF THE TOWN OF R-98-322 DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF AGENCY FEES FROM THE LAW ENFORCEMENT TRUST FUND TO BEGIN THE NATIONAL ACCREDITATION PROCESS. (\$7,400)

8.28 CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-323 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT EXTENSION FOR MEDICAL DIRECTOR SERVICES BETWEEN THE TOWN OF DAVIE AND JOE NELSON, D.O.

8.29 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-324 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE HAMILTON M. AND BLANCHE C. FORMAN CHRISTIAN FOUNDATION FOR REMOVAL OF A MOBILE HOME UPON REAL PROPERTY OWNED BY THE FOUNDATION, PRESERVING THE FOUNDATION'S LEGAL RIGHTS WITH RESPECT TO THE MOBILE HOME ON THE SUBJECT PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

8.30 PAYMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-325 AUTHORIZING THE PAYMENT OF \$14, 848 TO THE BROWARD ALLIANCE FOR

ECONOMIC DEVELOPMENT ASSISTANCE

8.31 RATIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-326 RATIFYING THE ACTIONS OF THE TOWN ADMINISTRATOR IN DECLARING A STATE OF EMERGENCY WITHIN THE TOWN OF DAVIE DUE TO THE EFFECTS OF HURRICANE GEORGES; AND PROVIDING FOR AN EFFECTIVE DATE.

8.32 EMERGENCY MEDICAL SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A FIRST AMENDMENT TO AGREEMENT FOR PROVISION OF EMERGENCY MEDICAL SERVICES BETWEEN THE TOWN OF DAVIE AND AMERICAN MEDICAL RESPONSE; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Venis asked that items 8.3 and 8.29 be removed from the Consent Agenda. Councilmember Paul asked that items 8.24, 8.25, and 8.30 be removed.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve the Consent Agenda without items 8.3, 8.24, 8.25, 8.29 and 8.30. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.3 Town Clerk Reinfeld read the proclamation in its entirety. Mayor Venis presented the proclamation to representatives from the Winston Academy.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.29 Mayor Venis explained that this resolution was due to the concerns of the residents in Everglades Mobile Home Park.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.24 and 8.25 Councilmember Paul questioned if the site plan for Eckerd's had been approved with Gayle Easterling, Planning and Zoning Manager, responding affirmatively. Ms. Easterling explained the trip transfer. Councilmember Paul questioned if a plan had been prepared for this portion of Davie Road. Ms. Easterling explained that this area was not covered by any type of an overlay district and added that there was no master plan. Councilmember Paul questioned if it would be appropriate to look at some type of plan with Ms. Easterling explaining that these properties were controlled by a settlement agreement with the Forman Family Trust. She added that there were stipulations locked in place for development of the property and the Town was limited to the uses that could be changed.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.30 Mr. Rawls explained that this expenditure was coming from the Economic Development - Contractual Services budget.

Councilmember Paul questioned if the Economic Development Council felt this project would be a duplication of efforts. Lynn DeLorenzo, Chair of the Economic Development Council (EDC), indicated that the Broward Alliance would augment and support the Office of Business Assistance.

Councilmember Paul stated that the Town had a number of vacant properties and asked that the Alliance market the empty buildings. An unidentified woman indicated that this issue would definitely be part of the Alliance network. Ms. DeLorenzo offered that the EDC supply the Town with a quarterly report on the joint efforts of the EDC and the Alliance. Mayor Venis suggested that a quarterly report be provided at a Council meeting.

Councilmember Weiner confirmed that the financial commitment was for one year with the woman responding affirmatively.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve with the understanding that it was for a one year financial commitment at this time. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9. SITE PLANS

9.1 SP 4-6-98, Shenandoah/SW 136th Ave. Walgreens, northwest corner of Shenandoah Parkway and SW 136 Avenue (B-2) (tabled from September 16, 1998) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report, working with staff on the landscaping, and complying with the lighting Code*

Bonnie Miskel, representing the petitioner, was present. Ms. Easterling read the planning report.

Ms. Miskel explained the site plan request and displayed photographs. She stated that additional deed restrictions included parking lot rental, pawn shop, animal hospital, bingo establishment, bowling alley, skating rink, dance hall, night club, game room including arcades, movie theater, performing arts facility, pool room and repair shop. Ms. Miskel indicated that there was a concern with a motor fuel pump combined with a convenience store. She stated that the motor fuel pump would only be permitted in B-2 as a conditional use and criteria would have to be met. Ms. Miskel added that this site did not meet the criteria which would preclude the property from being developed for a motor fuel pump. She stated that the petitioner would like to retain the convenience store.

Mr. Webber questioned if the petitioner had any objection to the displayed photographs being made part of the record. Ms. Miskel responded negatively.

Mayor Venis stated that Council had indicated its desire to obtain another parcel of property for a fire station in the western areas. He advised that the remaining parcel of property at this location would be large enough to house a fire station and asked Mr. Rawls to look into this matter.

Mr. Webber stated that the motion should be subject to submission of declaration of restrictions in acceptable form and a revised site plan.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to submission of declaration of restrictions in acceptable form and a revised site plan. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes. (Motion carried 5-0)

9.2 SP 4-2-98, Andrx Park, 4955 Orange Drive (M-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Ms. Easterling read the planning report.

Tom Laubenthal, Cedric Christian, Juan Sanchez, representing the petitioner, were present. The representatives explained the site plan request and landscaping.

Councilmember Paul questioned the mitigation size. A representative responded that there were approximately three acres. Councilmember Paul asked if any portion of the mitigation area was to be designated as a wetlands preserve. Mr. Laubenthal replied affirmatively.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

Mayor Venis opened the public hearing portion of the meeting.

Councilmember Paul stated that earlier in the meeting, Mr. Stahl had mentioned that items considered by the Planning and Zoning Board which were later modified prior to consideration by Council should have been reconsidered by the Board for further review. She was unsure if it would be appropriate for Council to consider this matter at the present time or if an ordinance needed to be prepared. Ms. Mellgren believed that a Code amendment might be required. She indicated that the information advertised for the public hearing was the same as the information provided on the application. Ms. Mellgren explained that Council was officially considering the original submittal; however, she indicated that if Council wished, it could consider the petitioner's modified application. She stated that if the petitioner changed the application, a new application and advertisement would be

required, as well as restarting the review process for the application.

10. PUBLIC HEARINGS

Ordinances - Second and Final Reading

10.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY ADDING CHAPTER 2, ARTICLE IV, ENTITLED "REGISTRATION OF LOBBYISTS", RELATING TO LOBBYING ACTIVITIES IN THE TOWN OF DAVIE; DECLARING THE INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGISTRATION AND FILING AN ANNUAL STATEMENT AND REPORT OF LOBBYING ACTIVITIES; PROVIDING CERTAIN EXCEPTIONS; PROHIBITING CERTAIN UTILIZATION OF SUCH ANNUAL STATEMENTS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from August 19, 1998)

Town Clerk Reinfeld read the ordinance by title. At Mayor Venis' inquiry, Town Clerk Reinfeld confirmed that this was not the ordinance discussed at the workshop meeting. Town Clerk Reinfeld explained that this was the original ordinance which had been tabled for second reading and advised that since the modifications requested at the workshop meeting had been substantial, the modified ordinance would need to be readvertised and placed on an agenda and that Council would need to start the public hearing process from the beginning. Mr. Webber agreed and added that Council should vote for a denial if it did not wish to move forward with this ordinance.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to deny. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

10.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RO AND A-1 TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-98, Orshefsky/Mark-Age, Inc., 5451 SW 64 Avenue) (tabled from September 16, 1998)

This item was tabled earlier in the meeting.

10.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-41 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO R-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-2-98, Miller, Legg and Associates, Inc./Sherrod, 1805 SW 118 Avenue)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

Quasi Judicial Items

10.4 REZONING - ZB 5-3-98, Investor Financial Corporation/Brenner, 5805 Davie Road (from B-2 and R-2 to RM-10) (tabled from September 16, 1998) *on July 14, 1998, the Planning and Zoning Division recommended denial; on July 22, 1998, the Planning and Zoning Board recommended denial; applicant has submitted a revised application package which was subsequently recommended for approval by the Planning and Zoning Division* Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Easterling advised that her resume was on file with the Town which qualified her as an expert witness. She read the planning report and stated that the following documents were to be included into the record:

the application, the subject site map, planning report, and an aerial.

Ms. Easterling stated that in speaking with neighboring residents, staff recognized that there were several issues of concern: increased traffic, school capacity, and compatibility. She described each issue of concern, expressing her belief that the modified application addressed each issue satisfactorily.

Bill Laystrom and Jeff Evans, representing the petitioner, were present. Mr. Laystrom briefly described the rezoning request and committed to providing a buffer along the canal which included a hedge, wall, and a line of trees. He indicated that staff had requested voluntary deed restrictions limiting the property to 62 townhouse units to ensure that what was shown was what was developed on the property. Mr. Laystrom emphasized that the voluntary deed restrictions had been executed by the property owner and that the document was now in staff's possession. He stated that access to the property would be provided from Davie Road and that the dirt road located along the canal would not be utilized for any reason. Mr. Evans described the improvements proposed for the site and indicated that great care had been taken to ensure that the finished project would be an asset to the Town. He stated that each unit would be developed as a single family residence, connected by a single car garage. Mr. Evans emphasized that the site was arranged in a manner that would ensure convenient parking for each unit. Mr. Laystrom stated that the development would be marketed as single family homes with garages, emphasizing that the petitioner was not looking to use the units for rentals.

Vice-Mayor Cox stated that there was a resident located at the western end of the abutting property which was already developed. She indicated that that particular residence was being accessed through the dirt road by the canal and asked if access to that road would be completely eliminated. Mr. Laystrom replied negatively, stating that the dirt road was located within the right-of-way for the canal. He then described where the bufferyard would be located as it pertained to the existing road. Mr. Laystrom reminded Council that the platting and site plan process would still be required and that the only reason the petitioner had moved forward with so much detail was to address the concerns of staff and neighboring residents.

Vice-Mayor Cox asked if the petitioner was looking to rezone the property all the way to Stirling Road. Mr. Laystrom replied negatively. Councilmember Paul asked what price range would be used in the marketing of these units. Mr. Laystrom replied that the units would be priced between \$110,000 to \$130,000. Mayor Venis asked what the proposed square footage was for each unit. Mr. Evans replied that the units were approximately 1,340 square feet, without including the garage. At Councilmember Paul's inquiry, Mr. Evans stated that the Code required 140 parking spaces and that 166 spaces were being provided.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning.

The following individuals spoke:

Edna Moore, 6553 Stirling Road, spoke in favor of the request and provided a brief history of the property.

Richard Epstein and Lori Peterson, his wife, spoke in favor of the request based on the petitioner's description of the proposed improvements and the rendering shown.

Jay Stahl, 5801 Surrey Circle West, stated that the original application for this rezoning request was denied by the Planning and Zoning Board and that the revised application should be reconsidered by that Board before Council's consideration.

Robert Clauss, 5775 SW 64 Avenue, spoke in opposition to the request, fearing that it would jeopardize the quality of life he was accustomed to. He feared that the petitioner would try to close the existing access off the dirt road and questioned the petitioner's motives.

Robin Snyder, 6421 SW 57 Street, spoke in opposition to the rezoning and provided information regarding roadways, the Comprehensive Plan, and site specific rezoning guidelines. She referred to Code Section 12-307, stating that the project was in direct conflict to the approved Comprehensive Plan, would adversely effect living conditions in the neighborhood, that traffic congestion would be increased, property values would be adversely effected, and a precedence would be set for future development. Ms. Snyder felt that approving this rezoning request would grant a special privilege to an individual owner in contrast to the welfare of the general public. She also felt that the property could be developed with its current zoning and that allowing the rezoning would be in direct conflict with the Town's Land Use Plan. Ms. Snyder asked that proper growth be permitted within the east side of Town and suggested that the M zoning be eliminated from the Code.

Donna Sherman, 6520 SW 57 Street, stated that Planning and Zoning Division staff had not been helpful in assisting residents in addressing the concerns raised by this rezoning application. She indicated that residents had not been afforded the opportunity to attend a Planning and Zoning Board meeting to voice concerns regarding the amended request. Ms. Sherman spoke in opposition to the request, feeling that staff had not taken into

consideration future growth on Davie and Stirling Roads. She felt that schools in the area were filled to capacity and did not believe they could handle the additional students this development would generate. Ms. Sherman indicated that neighboring residents would be willing to work with the developer if the petitioner modified the request to a maximum of five residential units to the acre.

Mr. Laystrom reminded Council that the property was currently zoned B-2 and R-2 and that estimated car trips were significantly reduced with the removal of the commercial property. He indicated that unfortunately, since the Planning and Zoning Board met only once a month, a 45 day delay would have been inevitable. Mr. Laystrom stated that the Board had, at its regular meeting, made a ruling that it could only consider the application as presented. He felt that the Board did not believe it had the authority to make a motion approving "something in between." Mr. Laystrom indicated that perhaps the Code should be amended to authorize more flexibility in the Board's consideration of these matters. He believed that the proposed project was appropriate for this site due to the location of the existing shopping center.

Ms. Snyder requested to submit a letter into the record from an individual who had been unable to attend. Mr. Laystrom had no objections to the introduction of the letter. Mr. Webber advised that the letter could be accepted into the record; however, he cautioned Council that the document was basically hearsay evidence which was not subject to cross examination. He indicated that the weight given to this evidence should reflect that.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Paul disclosed that she had spoken with Donna Sherman, Edna Moore, and Joan Kovac concerning this project. She understood the residents' concerns that approval of this rezoning would set a precedence for the abutting vacant property. Councilmember Paul asked if it would be feasible to address the concerns of the residents by considering a lower density. Mr. Laystrom replied that if the number of units was further reduced, the petitioner would not be able to afford to build the quality product shown on the rendering. He expressed, however, a desire to address buffering to encourage a higher quality product to the property located to the north of this site. Mr. Laystrom indicated that the number of units had been reduced three times and again expressed concern that further reduction in the number of units would cause the quality of the project to deteriorate.

At Councilmember Paul's inquiry, Ms. Easterling explained the calculations used to determine the approximate road trips that could be expected from a particular development.

Councilmember Paul asked if the petitioner would consider a rezoning to R-5. Mr. Laystrom stated that the petitioner had, in deed, considered R-5 after the application was reviewed by the Planning and Zoning Board; however, he explained that lowering the number of units proposed by such a significant number would limit the petitioner's ability to provide necessary amenities, such as parking and the pool area.

Mayor Venis stated that precedence was usually residents' biggest concern and questioned if this rezoning was approved, was Council obligated to approve future rezonings in the area. Mr. Webber replied negatively, stating that each application was considered on its own merits. He indicated, however, that part of the issues considered during a rezoning was the existing zoning of abutting properties. Mr. Webber stated that approval of this rezoning would be a factor in future rezonings within the area, but assured Council that approving the application would not obligate it to approve a future rezoning as the circumstances would not be identical.

At Mayor Venis' inquiry, Ms. Mellgren addressed the concerns raised by residents. She explained the Comprehensive Plan and referred to Text Policy 5-3 wherein she believed that the requested rezoning was in compliance with providing for higher density next to commercial properties and arterial roadways, as well as providing a transition from higher intensity, such as commercial, to lower density residential. Ms. Mellgren believed that the rezoning request was consistent with the existing neighborhood and stated that there was nothing that would show that the proposed project would adversely affect living conditions in the area. She agreed that the proposed development would reduce traffic in the area and stated that there was no evidence to suggest that property values would be reduced within the existing neighborhood. Ms. Mellgren emphasized that approval of this project would not deter the development of other property and added that staff had not found any cause indicating that the welfare of the general public would be impacted by the proposed project. She indicated that in reviewing the rezoning application, staff had determined that there were several issues that deterred the petitioner from developing the property at its current zoning, such as the narrow configuration of the lot. Ms. Mellgren advised that if the commercial property was developed, it was questionable as to whether the residential portion of the property could be developed.

Vice-Mayor Cox asked if both the commercial and residential portions of the property in question were owned by

the same individual. Ms. Mellgren replied affirmatively. Vice-Mayor Cox asked if the property owner developed the commercial property and land-locked the residential section, would it be considered a self-imposed hardship. Ms. Mellgren was not sure if the Town could allow the petitioner to develop the property and land-lock the remaining portion of the property. She believed that this was a legal issue that would require research. Mr. Webber agreed.

Vice-Mayor Cox asked if a gas station could be erected on the commercial portion of the property. Ms. Mellgren indicated that a separation requirement would need to be met and she did not believe that sufficient separation would be possible at this location. She indicated, however, that a 24-hour market would be permitted on the site. Lengthy discussion followed concerning the different possibilities that could be considered during the development of this site, with Ms. Mellgren indicating that the Town would need to be careful not to create a non-conforming parcel which did not meet the minimum size requirements. Councilmember Weiner asked Ms. Mellgren to refer to the specific Code Section dealing with the prohibition of providing access to residential property through commercial land, stating that access might already be prohibited due to the existing zoning. Ms. Mellgren did not believe that the Code Section was specific as to whether the land needed to be developed in order that access could not be provided.

Councilmember Weiner stated that he had spoken with Ms. Kovac and Ms. Moore concerning this application and advised that he had received electronic mail from Ms. Sherman. Councilmember Bush stated that he had spoken with Robin Snyder concerning this application and advised that he, too, had received electronic mail from Ms. Sherman. Mayor Venis and Vice-Mayor Cox indicated that they had also received electronic mail from Ms. Sherman.

Councilmember Paul questioned if perhaps this item should be tabled to provide the petitioner with an opportunity to discuss items of concern with neighboring residents. She indicated that she would feel more comfortable if the residents had the opportunity to have their concerns addressed more specifically, as well as having the petitioner provide ideas as to how else the property could be developed.

Vice-Mayor Cox feared that in lieu of providing a residential development, the petitioner would opt for providing a larger commercial property. She agreed with Councilmember Paul that the residents should be given the opportunity to discuss their concerns with the petitioner. Vice-Mayor Cox stated that she did not agree with all the comments made by Mr. Stahl, but did agree that if the plan was changed prior to Council consideration, Council was considering different issues than those considered by the Planning and Zoning Board. Mr. Laystrom had no objections to meeting with residents to address their concerns on the proposed project, but expressed concern that he would be accused of threatening residents by providing hypothetical scenarios of the different ways the property could be developed.

Councilmember Weiner felt that it was regretful that the revised plan had not been reconsidered by the Planning and Zoning Board and believed this needed to be addressed by Council in the near future. He expressed concern, however, with the existing zonings in this area and felt that Council needed to decide how this property would be developed.

Mr. Laystrom stated that the property owner located to the north of the subject site was present and had no objections to the proposed plans.

Vice-Mayor Cox asked if the variance request considered by the Planning and Zoning Board was only for the reduction of two feet to the back of the strip. Mr. Laystrom replied affirmatively. Mr. Weiner asked if the potential land-lock issue had been considered at the Planning and Zoning Board meeting. Ms. Mellgren replied negatively, stating that this issue had just occurred to her. She further explained that the Code provided that no access to commercial properties would be provided through residential properties and that access could not be provided to residential areas through industrial properties. Ms. Mellgren stated that Ms. Easterling had advised that industrial, in this instance, had always been broadly interpreted to include all non-residential uses.

Councilmember Paul felt that the B-2 zoning made this a difficult decision. Mr. Laystrom stated that he could not drop the density to R-5, but stated that the petitioner had designed a development with two less units per acre. He offered to provide new declarations of restrictions limiting the property to a maximum of 60 units.

Councilmember Weiner questioned what the timetable was for the petitioner to be able to obtain the property. Mr. Laystrom stated that Ms. Moore had advised that there was no more time available under the current contract.

Councilmember Bush asked Mr. Laystrom to confirm whether he would be willing to increase the bufferyards. Mr. Laystrom confirmed that he would willingly increase the buffering for this site.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve.

Councilmember Weiner asked that the motion include the reduction in the number of units to 60.

Councilmember Bush amended his motion to approve subject to reducing the number of units to 60.

Councilmember Weiner amended his second.

Vice-Mayor Cox asked if this application was approved, could she, in her professional capacity, state that the property to the north zoned R-2 could be developed at its existing zoning. Ms. Mellgren replied affirmatively and briefly described several places within the Town where similar developments abutted each other. Some discussion ensued.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; and Councilmember Wiener - yes. (Motion carried 4-1)

10.5 REZONING - ZB 7-3-98, Engel/Pless, 6425 SW 41 Street (from RM-16 to B-2) (tabled from September 16, 1998) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone would be speaking in opposition to the petition with no one responding. Ms. Easterling summarized the planning report.

Sam Engel, Jr., representing the petitioner, was present and briefly described the rezoning request. He explained the proposed improvements and indicated that a unity of title would be recorded so that one parcel could not be sold without the other. Mr. Engel felt that the expanded business would be beneficial to the Town and asked for Council's favorable consideration. Ms. Easterling stated that the existing site had always been properly maintained against the abutting residential property.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke. Mr. Webber stated that the hearing was concluded and Council could deliberate.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

10.6 VARIANCE - V 6-3-98, Gonzalez/Martinez, 4190 SW 61 Avenue (RM-16) (to reduce the required number of parking spaces from 306 to 256 parking spaces) (tabled from August 19, 1998) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

Mayor Venis stated that staff and the petitioner had requested that this item be tabled to October 21, 1998.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table this item to October 21, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

10.7 VARIANCE - V 6-4-98, Investor Financial Corporation/Brenner, 5805 Davie Road (B-2 and R-2) (to reduce the minimum required street side yard from 25 feet to 13 feet; to reduce the minimum required front yard from 25 feet to 22 feet; to reduce the minimum rear yard from 25 feet to 20 feet; to reduce the minimum separation between buildings from 20 feet to 15 feet between buildings) (tabled from September 16, 1998) *on July 14, 1998, the Planning and Zoning Division recommended approval; on July 22, 1998, the Planning and Zoning Board recommended denial; applicant has submitted a revised application package which was subsequently recommended for approval by the Planning and Zoning Division*

Mr. Webber questioned if anyone would be speaking in opposition to the petition with no one responding. Ms. Easterling briefly described the variance request.

Bill Laystrom and Jeff Evans, representing the petitioner, were present. Mayor Venis asked if the variance only affected the entrance way. Mr. Laystrom replied affirmatively. Vice-Mayor Cox asked if the petitioner had any plans to provide fencing along the property to the north. Mr. Laystrom stated that part of the approved rezoning would increase the buffering in that area and indicated that if Council had any suggestions, he would make every effort to incorporate the improvements. He believed, however, that fencing would be provided. Vice-Mayor Cox asked if the petitioner could commit to providing a physical separation between the subject site and the R-2 property located to the north. Some discussion ensued, with Mr. Evans agreeing to provide a fence with hedging. Mr. Laystrom stated that trees would also be used in the backyards to provide additional buffering. He indicated

that it was his understanding that enhancement of the landscaping buffer was a requirement of the rezoning. Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke. Mr. Webber stated that the hearing was concluded and Council could deliberate. Vice-Mayor Cox asked if Council could include the need for a chain link fence with hedge material in its motion. Mr. Webber replied affirmatively.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve with the condition that the petitioner provide a chain link fence and hedge material and additional tree buffering or tree landscaping on the northern perimeter of the site in order to offset the granting of the reduction in the rear yard setback.

Councilmember Weiner asked Vice-Mayor Cox to include an amendment to provide for such additional conditions as the Site Plan Committee might decide was appropriate down the road.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve with the condition that the petitioner provide a chain link fence and hedge material and additional tree buffering or tree landscaping on the northern perimeter of the site in order to offset the granting of the reduction in the rear yard setback and to provide for such additional conditions as the Site Plan Committee might decide was appropriate down the road. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

11.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 AND B-2 TO RM-10; AMENDING THE TOWN'S ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-98, Investor Financial Corporation/Brenner, 5805 Davie Road)

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on this item would be held on October 21, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; and Councilmember Wiener - yes. (Motion carried 4-1)

10.8 VARIANCE - V 7-1-98, Southwest Broward Theaters Holdings, Inc., 15401 Sheridan Street (PUD-5, County) (to increase ground sign height from 25 to 50 feet; to increase the area of two ground signs from 100 square feet to 260.5 square feet for each ground sign; and to increase the sign area of one ground sign from 100 square feet to 270 square feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the petitioner's voluntary stipulation to modify the original request to show location #1, which was the northeast corner of the property, with a sign depicting Paradise Entertainment at a height of 50 feet, as requested, and the area increased to 260.5 square feet, with the second location of exact sign to be located in the area designated as location #3, which was the south section of the property; providing no signs on the walls of the six out parcel properties that would face east towards Interstate 75; and eliminating location #2 and the additionally requested sign*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial. She indicated that four 25-foot freestanding signs would be permitted at the out parcels in which the petitioner could provide a Muvico sign, together with signs for three retail sites. Ms. Easterling stated that the developer had offered a concession to decrease the sign areas and heights along Dykes Road. She indicated that continuity for the Publix/Lowes sign on the Muvico site was important given the cross access and shared development pattern for the two parcels.

Dennis Mele and Gladys Dejarone, representing the petitioner, were present. Mr. Mele provided an enlarged aerial for Council's review. He described the proposed improvements, stating that the petitioner had tried to deter additional traffic flow into the neighboring residential area. Mr. Mele explained that as a result of the petitioner's efforts, access to the development would be provided only off Dykes and Sheridan Roads. He asked that the planning report show that the signage package had, in deed, already been approved by the Site Plan Committee. Mr. Mele provided a site plan for Council's review and described the location of the site within the surrounding commercial property. He indicated that the petitioner had voluntarily stipulated to eliminating the six signs that would face Interstate 75. Mr. Mele added that the petitioner had also voluntarily eliminated the use of pole signs.

He gave a brief history of the property, explaining why the property was governed by Broward County Codes. Mr. Mele explained where the petitioner had originally wanted to erect the signs and the reasons why an additional sign for Publix/Lowes had been requested. He indicated that during the Planning and Zoning Board's review, the petitioner had agreed to remove the location designated as location #2, as well as the Publix/Lowes sign. Mr. Mele provided nine photographs in which the signs had been superimposed to show how the signs would be seen from different locations off site. He expressed his belief that the signs would not be obstructive from surrounding properties, assuring Council that the signs would not be seen from abutting residential communities. Mr. Mele indicated that the proposed landscaping had not been included in the photographs, but offered to describe the landscaping material at Council's request. He stated that the Planning and Zoning Board had expressed its belief that the Publix/Lowes sign was not needed as it would not have a regional draw along Interstate 75.

Mayor Venis stated that the Town had met with residents from the Ivanhoe area and believed that the petitioner had made quite a few concessions in addressing the residents' concerns. He indicated that Lowes and Publix had also made some major concessions regarding signage on Dykes Road, going as far as increasing the landscaping on their site. Mr. Mele stated that although Coquina Plaza was being permitted by the Town, the property was in the County and could, by all rights, provide 25 foot pole signs for each outparcel. He indicated that in an effort to work together, the owner of Coquina Plaza had agreed to work on eliminating pole signs by providing a directory sign within the development. Mr. Mele did not believe that the property owner could guarantee that no pole signs would be used, but that every effort was being made to have tenants use monument signs at that location. Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance request.

The following individuals spoke:

Larry Kuvin, 2150 South Hiatus Road, stated that he was a member of the Planning and Zoning Board and opposed the increase in the size of the signs. He indicated that the petitioner was essentially requesting to have signage that was larger than a billboard. Mr. Kuvin stated that the theater itself was only 44 feet tall and that it too, would have a sign on

top of it. He indicated that the proposed signs had a "Las Vegas" appearance and reiterated his dislike for them.

Mr. Kuvin felt that the signs had no purpose other than to enhance the petitioner's development and asked that Council deny the variance requests.

Mr. Mele reminded Council that billboards, by County standards, could be up to 65 feet high with approximately 900 square feet of signage area. He explained that a billboard was 900 square feet of signage, regardless of the pole size and that the petitioner's proposed signage included the entire sign structure. Mr. Mele stated that County Code permitted the use of a 44 foot sign on the theater, but that the petitioner was only using an 11 foot sign to advertise the theater's name. He felt that the petitioner had made every effort to deal with this development in a responsible manner and had taken great care to address the residents' concerns.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Mayor Venis, Vice-Mayor Cox, and Councilmember Bush stated that they had met with Mr. Mele and essentially heard the same presentation provided at this meeting.

Councilmember Paul stated that the petitioner was requesting a sign that was as large as the back of the meeting room and felt that this would make for an extremely large sign. Mayor Venis believed that Council should consider all the major concessions made within the Ivanhoe community. He indicated that the community had strongly opposed this project at its inception and yet, through concessions made, the community now had no objections to the development.

Vice-Mayor Cox asked if the landscaping materials were illustrated to scale. Mr. Mele replied that the palm trees would be planted at staggered heights of 20, 25, and 30 feet. Vice-Mayor Cox asked if the petitioner would be willing to lower the height of the Publix/Lowes sign. Mr. Mele stated that the owner of the Publix/Lowes property had agreed to lower the sign to 25 feet above the crown of Interstate 75, thereby making the sign approximately 31.5 feet tall. He indicated that the property owner was amenable to modifying the top to provide a cleaner appearance, but feared that this modification would increase the height of the sign.

Councilmember Weiner asked if there were substantial differences in the cost of the proposed signs in comparison to monument signs. Mr. Mele believed there was. Councilmember Weiner stated that the poles on the sign gave it a billboard appearance, to which Mr. Mele had no objections to dressing up the poles. Some discussion followed, with Vice-Mayor Cox agreeing with Councilmember Weiner that the poles beneath the Publix/Lowes sign provided a billboard effect. Mr. Mele offered to provide landscaping between the poles so that the poles would not be seen. There were no objections to this solution. Councilmember Weiner asked if the same colors, with the

exception of the Publix's green and Lowes' black, could be used on the sign. Mr. Mele had no objections. Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve with the stipulations just made. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; and Councilmember Wiener - yes. (Motion carried 4-1)

Vice-Mayor Cox stated that the concessions obtained for Dykes Road retained the nature of that road and felt that this would prove to be an asset to the area.

10.9 VARIANCE - V 8-1-98, Glover/Andrx Corporation, 4955 Orange Drive (M-3) (to increase the allowable building height from 35 to 45 feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Ms. Mellgren advised that the petitioner did not realize that they had to stay for this variance and had left. She stated that Mr. Webber had informed her that Council had the ability to waive the provision that the petitioner had to be present. Councilmember Weiner feared that this might set a bad precedence for consideration of future variance applications. Mr. Webber indicated that he did not think this waiver would establish a precedent, however, he would not recommend that Council move forward if it had concerns and if it looked like the request might be denied.

Vice-Mayor Cox questioned if anyone would be speaking on this issue under the public hearing with no response being heard.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to waive the presence of the petitioner. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

Ms. Mellgren entered the planning report and attachments into the record and summarized the request.

Councilmember Paul asked if the building the petitioner was currently using was also this height. Ms. Mellgren replied negatively, explaining that this was an expansion of their operation.

Vice-Mayor Cox felt that the subject site could accommodate the proposed height. She stated that by allowing the petitioner to build higher on that site, the Town could maximize the industrial property and the tax base it provided. Ms. Easterling advised that the height of the building was actually staggered, indicating that the entire building would not be 45 feet high.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

Ordinance - First Reading (second public hearing to be held October 21, 1998)

10.10 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-7-5-98 CREATING THE "RESIDENTIAL HIGH DENSITY DWELLING (RM-22) DISTRICT" BY AMENDING THE CODE OF DAVIE, FLORIDA, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-21 ENTITLED, "ZONING DISTRICTS"; SECTION 12-24 ENTITLED "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES"; SECTION 12-53 ENTITLED, RESIDENTIAL PERFORMANCE STANDARDS"; SECTION 12-81 ENTITLED, RESIDENTIAL, NEIGHBORHOOD CONSERVATION AND MOBILE HOME STANDARDS, TABLE 12-81C. CONVENTIONAL MULTIFAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from September 16, 1998)

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that the second public hearing on this item would be held on October 21, 1998.

Mr. Webber stated that this item had previously been tabled to allow him some time to review the possibility of resolving this problem without actually creating a new zoning district. He reported that in lieu of moving forward with the creation of the RM-22 district, the Town could modify its non-conforming use and non-conforming structure ordinance to specifically acknowledge the fact that reconstruction of large structures after catastrophic events would require more time and special consideration, over and above that which would be given to a smaller

structure. Mr. Webber felt that in modifying the existing ordinance, the Town could solve the problem that created the necessity for this particular ordinance to begin with.

Mayor Venis believed that the alternative change was more attractive than the proposed ordinance.

Councilmember Paul agreed and asked if a motion for denial was needed or if Council could just withdraw the application. Mr. Webber stated that the proposed ordinance was created by staff and, therefore, staff could withdraw the application or Council could vote on the application.

Ms. Mellgren stated that staff would be willing to withdraw the application at Council's direction. She offered an explanation as to why this ordinance had originally been proposed, but indicated that further research in this matter showed that the building in question was actually a legal non-conforming use. Ms. Mellgren felt that Mr. Webber's proposal would, in deed, assist in accommodating the petitioner if rebuilding was required.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Cliff MacBroom, 11200 Orange Drive, stated that he spent a lot of money in maintaining his property and that he had come across this problem during refinancing the property when the lender questioned if he could rebuild the structure if completely lost. He understood the concerns of placing high density next to properties with lower density, but reminded Council that this was an existing structure. Mr. MacBroom stated that if Mr. Webber's suggestion actually settled the problem he was faced with, he had no objections to the changes; however, he was concerned that if this matter was officially dropped at this point, he would be faced with the same problems in the near future. He asked that something be left on the table until a solution was provided. Mr. MacBroom clarified that time was not the issue, but rather his problem was ensuring that he had the ability to construct the same number of units if the structure was destroyed. Mr. Webber clarified that there were two issues that needed to be addressed: the time factor as the petitioner could lose the non-conforming use if it was not rebuilt during a specific period of time, and the percentage of valuation of destruction. Mr. MacBroom stated that he only wanted to see Council "make this legal" as it had been "legal once" and a lot of time, money and effort had been spent in maintaining the property.

Mayor Venis asked Mr. Webber if he was confident that his proposal would work in this case, with Mr. Webber responding in the affirmative. Mr. Webber stated that Council could table this item to some time in the future to give staff an opportunity to develop the proper changes in the Code, while providing Mr. MacBroom some comfort.

Vice-Mayor Cox indicated that she did not have a problem tabling this issue while the Town made certain that the proposed changes were solid. She stated that since it was the Town who had initiated the down-zoning of the property, the Town should table this matter until Mr. MacBroom's concerns were resolved. Mr. Webber asked that approximately 30 days be provided to complete this project.

Mayor Venis closed the public hearing.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to table the item until November 4, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Items to be tabled

10.11 STAFF REQUESTING A TABLING TO OCTOBER 21, 1998

Ordinance - Second and Final Reading

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RM-16 TO B-2; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-3-98, Engel/Pless, 6425 SW 41 Street)

This item was tabled earlier in the meeting.

10.12 STAFF REQUESTING A TABLING TO OCTOBER 21, 1998

Ordinance - Second and Final Reading

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-7-5-98 CREATING THE "RESIDENTIAL HIGH DENSITY DWELLING (RM-22) DISTRICT" BY AMENDING THE CODE OF DAVIE, FLORIDA, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-21 ENTITLED, "ZONING DISTRICTS"; SECTION 12-24

ENTITLED "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES"; SECTION 12-53 ENTITLED, RESIDENTIAL PERFORMANCE STANDARDS"; SECTION 12-81 ENTITLED, RESIDENTIAL, NEIGHBORHOOD CONSERVATION AND MOBILE HOME STANDARDS, TABLE 12-81C. CONVENTIONAL MULTIFAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

10.13 STAFF REQUESTING A TABLING TO FEBRUARY 17, 1999

LAND USE PLAN AMENDMENT - LA BC 98-3A, Town of Davie, generally located south of SW 48 Street, east of SW 58 Avenue, north of the FPL primary transmission easement, and west of the Florida Turnpike (from Residential 1 du/ac and Residential 5 du/ac to Employment Center and Recreation and Open Space) (tabled from September 2, 1998) *Planning and Zoning Division recommended approval; Local Planning Agency*

recommended denial

This item was tabled earlier in the meeting.

10.14 STAFF REQUESTING A TABLING TO OCTOBER 21, 1998

TOWING FRANCHISE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, GRANTING A TOWING FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

11. ORDINANCES - FIRST READING *(Public hearing to be held October 21, 1998)*

11.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RM-16 TO B-2; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-3-98, Engel/Pless, 6425 SW 41 Street) (tabled from September 16, 1998)

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on this item would be held on October 21, 1998.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes. (Motion carried 5-0)

11.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 AND B-2 TO RM-10; AMENDING THE TOWN'S ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-98, Investor Financial Corporation/Brenner, 5805 Davie Road)

This item was approved earlier in the meeting.

12. RESOLUTION

12.1 STAFF REQUESTING A TABLING TO FEBRUARY 17, 1999 LAND USE PLAN TRANSMITTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LABC-98-3A FOR AMENDMENT OF THE TOWN OF DAVIE FUTURE LAND USE PLAN MAP ON ITS MERITS; AUTHORIZING TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL; REQUESTING THE COUNTY ADOPT A CORRESPONDING AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN; AUTHORIZING THE BROWARD COUNTY PLANNING COUNCIL TO TRANSMIT THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE. (generally located south of SW 48 Street, east of SW 58 Avenue, north of the FPL primary transmission easement, and west of the Florida Turnpike) (tabled from

September 2, 1998)

This item was tabled earlier in the meeting.

13. APPOINTMENTS

13.1 Child Safety Board (one exclusive appointment - Councilmember Bush; term expires July 1999)
Councilmember Bush deferred his appointment.

13.2 Unsafe Structures Board (one non-exclusive appointment; appointment shall be an electrical contractor; term expires April 1999)
No appointment was made.

13.3 Budget Advisory Committee (one exclusive appointment - Councilmember Paul; term expires December 1998)
Councilmember Paul appointed Ellen Christopher.

14. OLD BUSINESS

14.1 Consultant's Report on Nextel Communications, Inc./Shurgard Institutional Fund Special Permit for Telecommunication Device

Mr. Webber recommended that the quasi judicial hearing be reopened and in accordance with Council's direction at the last meeting, Nextel representatives had been notified of this hearing.

Ms. Mellgren distributed a preliminary report from the Town's consultant, Communications Information Services, Inc., which she summarized. She advised that a possible alternative was that the stealth pole would still require the extension of the pole that supported the billboard; however, the only difference would be the triangular platform of telecommunication devices around the top. Ms. Mellgren explained that the pole would be included in the pole extension above the top of the billboard. She indicated that another alternative was a stand alone structure anywhere within the search area.

Councilmember Weiner questioned the impact the Town's negotiations with the billboard company had at the last meeting on the determination at this point. Ms. Mellgren responded that this was for a different company.

Alan Gabriel, representing Nextel, stated that his representations had been questioned which was, he understood, why the Town hired a consultant. He indicated that the report specifically said that the location he had specified was in fact correct and accurate. Mr. Gabriel advised that the antennae employed on all locations required that there be a minimum separation in the installation. He stated that the references made in the report were for different types of antennae that would not apply to Nextel. Mr. Gabriel added that "this" was the best way to install the antennae on this type of facility and the petitioner believed it to be a stealth pole.

Mr. Webber advised that at the last meeting, Council approved a motion to amend their previous motion without any specific amendment, then the item was tabled to this meeting. He indicated that at this point, Council's options were to move to ratify Council's prior decision or to modify the motion in some way.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to ratify Council's action. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-2)

Councilmember Paul stated that the consultant provided pictures which she would like entered into the record.

15. NEW BUSINESS

15.1 Charter Schools

Mayor Venis stated that the workshop meeting regarding Charter Schools had been informative. He asked Council's opinion on Mr. Visiedo meeting with staff to prepare figures on this type of project. Vice-Mayor Cox stated that she would like to see community support for this type of school which should include financial exploration and indicated that the Town needed a high school. Councilmember Paul agreed with the need for a financial feasibility study and the Town needed to look at issues of developer donations as opposed to building a facility then leasing it back to the Town. She stated that she was not comfortable with the Town being in the school

board business with the Town Administrator acting as superintendent of the school.

Councilmember Paul stated that the Charter School's concept was to have been a business community partnership for helping at-risk students. She agreed that the real need was at the high school level which she thought would be addressed by the new school being built in Weston. Councilmember Paul indicated that she was concerned with how much time and effort the Town would be putting into this issue. Mayor Venis indicated that Mr. Visiedo was willing to meet with staff to review the different issues at no charge.

Councilmember Weiner applauded Councilmember Paul's direction that the Town should first focus on the need before determining who would run the school and the costs involved. He stated that the Town needed to first explore what it wanted to accomplish, find out who could help, and what the cost would be and then prepare a request for proposal. Mayor Venis indicated that the cost would be dependent upon the grades being serviced. Councilmember Weiner stated that the need factor should be identified first and then solutions for that need determined. Vice-Mayor Cox agreed with Councilmember Weiner on the need level and indicated that she did not want the Town to become involved in the day care business. She added that it needed to be determined where the overcrowding was or was it the parents that wanted more control over the schools.

Mr. Rawls indicated that he would meet with Mr. Visiedo and representatives from the Broward County School Board to try to identify some of the needs. He added that he would also provide preliminary financial data. Mayor Venis recommended that the needs be obtained first.

Margaret Hostetter, 480 Sumter Avenue, stated that she was interested in the Charter School concept and commended Council for being in favor of the Town looking into this type of system further.

15.2 Sunrise Water Surcharge Petition Drive

Mayor Venis advised that the petition drive would be much less than the stated cost of \$7,500 and explained that the petition would be sent to the 18,000 households who were serviced by the City of Sunrise. Councilmember Weiner questioned what prevented Sunrise from also sending a survey that indicated it was important to support Sunrise's efforts in recouping its investment in the water facility and that Sunrise did not want the legislature interference between different cities. Mayor Venis replied that Sunrise would not be petitioning the State legislature to reduce the surcharge as the Town had done the previous year. He indicated that a statewide study was being conducted as the legislation felt the surcharge was unfair.

Vice-Mayor Cox thought that the postage could be offset by including the petition with the garbage bill. She added that she thought the petition should not be limited to only the residents being subjected to a surcharge. Mayor Venis indicated that the petition could be sent to the individuals who received water from Davie Utilities but he thought the Town should first focus on residents who were serviced by Sunrise.

Councilmember Paul suggested that the petition be included in the Davie Update. Mayor Venis indicated that the Town had not received much of a response regarding a past survey on utilities. He added that a separate letter would stand out rather than included it in the Davie Update.

Councilmember Weiner agreed with Vice-Mayor Cox on including the petition with the garbage bill and indicated that the Town could make arrangements with Waste Management to receive the petitions that had been returned.

Councilmember Bush advised that the petitions would be going to a legislative subcommittee which consisted of 17 individuals. He stated that this subcommittee would be looking at who was on Sunrise water and he thought that this would be considered. Mayor Venis indicated that this was why he felt that the Sunrise customers should be focused on. He added that a second petition could be included in the garbage bill. There were no objections.

Councilmember Weiner asked Mr. Webber to advise Council on what its options were under the settlement agreement.

Utilities Director Dan Colabella advised that the cost to provide Sunrise residents with water was approximately \$7,700 per household without paying Sunrise any connection fees. He indicated that the figures in the Sun Sentinel regarding water rates were incorrect as the reduction of 28% had not reported. Mr. Colabella stated that this reduction had been in effect since February and he advised that the cost for water and sewer for 7,000 gallons was \$41.35.

16. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 1:52 a.m.

